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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,120	11/22/2000	Devon A. Rolf	400.10101	2986

57855 7590 03/22/2006

GOFIGURE, L.L.C.
26950 OLD KANSAS CITY ROAD
PAOLA, KS 66071

EXAMINER	
NGUYEN, HUY D	
ART UNIT	**PAPER NUMBER**
2617	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/721,120	ROLF, DEVON A.	
	Examiner	Art Unit	
	Huy D. Nguyen	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-7,9,11-41 and 54-64* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-7,9,11-41 and 54-64* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 4-7, 9, 17, 22-33, 35-41, 54-62, 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson (U.S. Patent No. 5,999,899) in view of Walsh et al. (U.S. Patent No. 6,144,848).

Regarding claims 1, 7, 9, 17, 29, 31, 55, 57-60, 62, 64, Robinson teaches a system for playing prerecorded music, system comprising: a wireless communications device (e.g., jukebox 200) having a memory, a player, and a speaker; a remote storage facility (e.g., host 230 – see figure 2), wherein remote storage facility stores a plurality of music recordings, wherein wireless communications device is used to wirelessly retrieve from said remote storage facility at least one of selected music recordings for complete storage of music recording in memory, and for playback through speaker by player (Col. 2, lines 27-39; Col. 4, lines 37-58; Figs. 1 & 2). Robinson does not teach the wireless device is a portable, handheld device in the form of a cellular telephone or hand-held computing device, a microphone for voice communications. In the same field of endeavor, that is the field of telecommunications, the preceding limitation is taught in Walsh et al. (see figures 4 & 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Walsh et al. to the teaching of Robinson for secured interactive real-time telecommunications.

Regarding claim 4, the combination of Robinson and Walsh et al. teaches the claimed invention except that the user device is installed in a vehicle. However, it would have been an obvious matter of design choice to install the wireless communications device in a vehicle since the invention would perform equally well regardless of where the wireless communications device is installed.

Regarding claims 5-6, the combination of Robinson and Walsh et al. teaches the system as set forth in claim 1, wherein a selected music recording is wirelessly transmitted from remote storage facility in data packets (see Walsh et al., col. 3, line 57; Fig. 15).

Regarding claims 22-23, 35-36, the combination of Robinson and Walsh et al. teaches the system as set forth in claim 7, wherein said wireless communications device communicates via a wireless communications link with a remote storage facility having music stored therein, said wireless communications device having an input for selecting a recording at said facility, wherein said selected recording is wirelessly transmitted to said wireless communications device for play by said player (see Robinson, column 4, lines 14-23).

Regarding claims 25, 38, the combination of Robinson and Walsh et al. teaches the device as set forth in claim 9, wherein said recorded music stored in said removable memory (e.g., HDD 210) unit was downloaded to said unit via a wireless communications link with said wireless communications device (see Robinson, column 2, lines 33-34).

Regarding claims 24, 37, the combination of Robinson and Walsh et al. teaches the system as set forth in claim 17, wherein said memory is internally located in said device (see Robinson: figure 2).

Regarding claims 26-27, the combination of Robinson and Walsh et al. teaches the system as set forth in claim 17, wherein said music recording was downloaded to said device via a wireless communications link (see Robinson: Col. 2, lines 27-39; Col. 4, lines 37-58; Figs. 1 & 2).

Regarding claims 28, 39, the combination of Robinson and Walsh et al. teaches the system as set forth in claim 27, wherein said music recording was downloaded from an account associated with said device or a user of said device (see Walsh: column 10, line 14).

Regarding claims 30, 32-33, the combination of Robinson and Walsh et al. teaches the system as set forth in claim 1, wherein said at least one music recording stored in said memory can be played without the need to establish and maintain a communications link with said remote storage facility (see Robinson: Col. 2, lines 27-39; Col. 4, lines 37-58; Figs. 1 & 2).

Regarding claim 40, the combination of Robinson and Walsh et al. teaches the device as set forth in claim 31, wherein said speaker comprises a speaker that is internal to said device (see Walsh: figures 4 & 5).

Regarding claims 41, 61, the combination of Robinson and Walsh et al. teaches the claimed invention except a headphone or earplug. However, headphone or earplug is well known in the art. It would have been obvious that the speaker comprises headphone or earplug to provide convenience and flexibility for users.

Claim 54 is the combination of claims 17, 26-28. Therefore, claim 54 is rejected with the same reason set forth in claims 17, 26-28.

Regarding claim 56, the combination of Robinson and Walsh et al. teaches the system as set forth in claim 1, wherein said selected and retrieved music recording is purchased from said remote storage facility (see Walse et al.: column 10, lines 1-9).

3. Claims 11-13, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson (U.S. Patent No. 5,999,899) in view of Walsh et al. (U.S. Patent No. 6,144,848) and in further view of Steele et al. (US 2002/0046084).

Regarding claims 11-13, 18-20, the combination of Robinson and Walsh et al. teaches the claimed invention except that the music recording is encoded in mp3 format. In the same field of endeavor, Steele et al. teaches the preceding limitation (see paragraphs [0034] and [0046]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Steele et al. to the teaching of the combination of Robinson and Walsh et al. to conserve memory.

4. Claims 14-16, 21, 34, 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson (U.S. Patent No. 5,999,899) in view of Walsh et al. (U.S. Patent No. 6,144,848) in further view of Buchheim (U.S. Patent No. 6,061,306).

Regarding claims 14-16, 21, 34, 63, the combination of Robinson and Walsh et al. teaches the claimed invention except that said wireless communications device further comprises a display, wherein data indicative of at least one of an artist who recorded said selected music recording and a title of said music recording is stored in said memory of said wireless communications device and is displayed on said display during playback of said music recording. In the same field of endeavor, Buchheim teaches the preceding limitation (see figure 2; Column 8, lines 7-14). Therefore, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to apply the teaching of Buchheim to the teaching of Robinson and Walsh et al. to provide convenience for users.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Huy Nguyen

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER